

Hi Pete, FYI per our discussion, here's information from Erica on the mercury litigation in Idaho.

ID has .012 ug/L in place (they tried to remove it entirely, and we disapproved the removal). But then FWS concluded jeopardy for white sturgeon in ID (for the .012 ug/L), and this excerpt from the FWS BiOp doesn't bode well for you getting an even less stringent criterion of .77 ug/L through consultation in ND:

The preceding discussion and cited information regarding the effects of the proposed water quality criteria for mercury on the bull trout are also largely applicable to the evaluation of these criteria on the Kootenai River white sturgeon because for some contaminants, the white sturgeon and other sturgeon species are at least as sensitive as the rainbow trout (Dwyer et al. 2005; Ingersoll and Mebane 2014). On that basis, we assumed for this analysis that the white sturgeon is at least as sensitive to mercury as are salmonids

ND WQS 2021 Hg litigation in ID message